S. B. C. W. P. NO.2207/03
(Gurvinder Singh & Ors. Vs. State of Rajasthan & Ors.)

DATE OF ORDER : 16.08.2004

HON'BLE SHRI N.P.GUPTA,J.

Mr.B.S.Sandhu for the petitioner.
Mr.Sandeep Shah }
Mr.L.R.Upadhyay Dy.G.A.} for the respondents.

Heard learned counsel for the petitioner.

The learned Collector has cancelled the Patta of the petitioners interalia on the ground that the land allotted appears to have been of the school, while the school has been shown to have been shifted to other place. That apart, the other ground given for cancellation of the Patta is that from perusal of Patta, it transpires that the Patta has been granted in pursuance of the resolution no.8 dt. 11.11.99, while from perusal of the proceedings of the Panchayat, there doesn't appear any such resolution. The other ground given is that eight plots have been allotted in one family, and being seven applicants. This has also been considered in the document that the auction proceedings do not appear to be in accordance with law, or independent, rather entire proceedings show that they have been taken with the intention to provide undue advantage to the blue eyed man of the ex-Sarpanch.

Learned counsel for the petitioner showed me Annexure-5, wherein the order-sheet dt. 11.11.99 is there, but then perusal of Annexure-5 shows that this is an order-sheet of the file regarding purchase of land by Daljit Kaur only apart from the fact, that this doesn't relate to all the other petitioners, this annexure-5 cannot be said to be the proceedings of the meeting of the Panchayat containing the resolutions of the Panchayat, which are adopted in its meetings held from time to time. It doesn't have the effect of negativing the finding of the Collector, that there does not exist any resolution no.8 dt. 11.11.99 in pursuance whereof, the Patta said to have been issued.

Likewise, even prima-facie, a look at the document produced, existing at page 38, shows that this purports to be the auction proceedings regarding the plots sold to Daljit Kaur, and this memo bears the signatures of the Sarpanch, and one Manohar Lal, and the purported bidders, while according to Rule 151, the auction was required to be conducted by the Committee consisting of the persons mentioned therein.

Then a look at Annexure-5, and the document existing at page 38 shows, that all proceedings were completed on one day, being 11.11.99, on which date, the auction was also held, bid was also accepted, and the Patta was also issued on the spot itself, which cannot be said to be supportable by the provisions of the Rules, inasmuch as, according to Rule 154 (1) and (2), the acceptance of the highest bid is subject to confirmation by the Panchayat, and the authorities prescribed in sub-rule (3), while according to sub-rule (2), the Panchayat, in its next meeting, to be held not earlier than 15 days from the date of auction, is to sanction the highest bid, if no objection is received. Thus, the bid is to be finally accepted by the Panchayat only, while in the present case, even according to the documents shown, the bid is shown to have been accepted on the site itself, and the Patta said to have been issued on the spot itself.

In these circumstances, I do not find any sufficient ground to interfere with the impugned order.

The writ petition is, therefore, dismissed summarily.

(N.P.GUPTA),J.